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9  
10 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

Case No. **2010-482**

14 **STACEY ELLEN FRIEDMAN-STEARNES**  
**P.O. Box 667**  
15 **Kenwood, CA 95452**  
16 **Registered Nurse License No. 493184**

**A C C U S A T I O N**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about August 31, 1993, the Board of Registered Nursing issued Registered  
24 Nurse License No. 493184 to Stacey Ellen Friedman-Stearns (Respondent). The license was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on June 30,  
26 2011, unless renewed.

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1 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
4 administrative law judge to direct a licentiate found to have committed a violation or violations of  
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
6 enforcement of the case.

### 7 REGULATORY PROVISIONS

8 9. California Code of Regulations, Title 16, section 1442, states that, as used in Section  
9 2761 of the Code, "gross negligence" includes an extreme departure from the standard of care  
10 which, under similar circumstances, would have ordinarily been exercised by a competent  
11 registered nurse. Such an extreme departure means the repeated failure to provide nursing care as  
12 required or failure to provide care or to exercise ordinary precaution in a single situation which  
13 the nurse knew, or should have known, could have jeopardized the client's health or life.

14 10. California Code of Regulations, Title 16, section 1443, states that, as used in Section  
15 2761 of the Code, "incompetence" means the lack of possession of or the failure to exercise that  
16 degree of learning, skill, care and experience ordinarily possessed and exercised by a competent  
17 registered nurse as described in Section 1443.5

18 11. California Code of Regulations, Title 16, section 1443.5, states in pertinent part, that  
19 a Registered Nurse shall be considered to be competent when she consistently demonstrates the  
20 ability to transfer scientific knowledge from social, biological and physical sciences in applying  
21 the nursing process.

### 22 12. DRUGS

23 **Methamphetamine** is a Schedule II controlled substance as designated by Health and  
24 Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and Professions  
25 Code section 4022. It is a stimulant drug.

26 **Marijuana** is a Schedule I controlled substance, as designated by Health and Safety Code  
27 section 11054(d)(13), and a dangerous drug, as designated by Business and Professions Code,  
28 section 4022. It is a hallucinogenic drug.

1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Gross Negligence and/or Incompetence)

3 13. Respondent's Registered Nurse's license is subject to disciplinary action under  
4 section 2761(a), as defined in Title 16, California Code of Regulations section 1442 and/or  
5 section 1443, for the violation of Code section 2762(b) in that she was under the influence of  
6 illegal controlled substances, to wit: Amphetamines, Methamphetamine and Marijuana, while  
7 working at Sonoma Developmental Center (SDC), in Kenwood, California. The circumstances  
8 are as follows:

9 14. On or about October 20, 2006, during the course of her regularly scheduled shift,  
10 while in a meeting with her immediate supervisors regarding excessive use of sick time and work  
11 performance issues, Respondent was observed to be hesitant and slow in her balance/walking,  
12 slowed in her alertness, speaking in incomplete sentences, withdrawn and crying. Based on a  
13 assessment by SDC supervisory staff, Respondent was required to submit to drug testing. The  
14 results of the test were positive for Amphetamines, Marijuana and Methamphetamine. SDC  
15 brought disciplinary action against Respondent for being under the influence of illegal drugs  
16 while performing her duties as a Registered Nurse.

17 15. On or about January 10, 2007, Respondent signed a stipulated settlement with SDC in  
18 which she agreed to participate in a treatment program for chemical dependency and submit to  
19 random drug testing. As part of the settlement, the SDC agreed to dismiss its disciplinary action  
20 filed against Respondent.

21 16. On or about March 13, 2007, Respondent resigned from her employment with SDC.  
22 Respondent admitted that she resigned her employment with SDC in lieu of termination because  
23 she was unable to complete her chemical dependency program.

24 SECOND CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct – Use of a Controlled Substance)

26 17. Respondent's Registered Nurse license is subject to disciplinary action under section  
27 2762(b) in that she was under the influence of illegal controlled substances, to wit:  
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1 Amphetamines, Methamphetamine and Marijuana, while performing her duties as a Registered  
2 Nurse at SDC, as set forth in paragraphs 14, above.

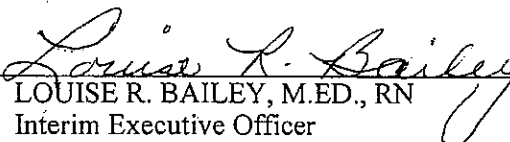
3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

- 6 1. Revoking or suspending Registered Nurse License No. 493184, issued to Stacey  
7 Ellen Friedman-Stearns.
- 8 2. Ordering Stacey Ellen Friedman-Stearns to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3;
- 11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: \_\_\_\_\_

③/30/10

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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